

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2010-13 as issued by Governor Brewer regarding notifying workers of exposure to hexavalent chromium. The Governor's Office authorized the notice to proceed through the rulemaking process on July 8, 2010. (See the text of the executive order at 16 A.A.R. 1183, July 2, 2010.) Additional rulemaking topics in this notice were reviewed per Laws 2010, Ch. 287, § 18. The Governor's Office authorized the notices to proceed through the rulemaking process as follows: safety standards for steel erection, August 19, 2010; standards for cranes and derricks, October 7, 2010. (See the text of § 18 on page 2124.)

[R10-156]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Article and its heading: 6, Occupational Safety and Health
Section numbers: R20-5-601, R20-5-602
- 2. The subject matter of the proposed rule:**

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring state administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, The Industrial Commission is amending R20-5-601 and R20-5-602, by incorporating by reference, amendments from 29 CFR 1926 Subpart Z and 29 CFR 1910 Subpart Z, Toxic and Hazardous Substances, as published in the *Federal Register* 75 FR 126810-12686, March 17, 2010 and became a direct final rule effective June 15, 2010 and further amending R20-5-601, by incorporating by reference amendments from 29 CFR 1926 Subpart R, Steel Erection, published in the *Federal Register* 75 FR 27429, May 17, 2010 and 29 CFR 1926 Subpart CC, Cranes and Derricks in Construction, as published in the *Federal Register* 75 FR 47906 – 48177, August 9, 2010.

The Hexavalent Chromium incorporation by reference specifically defines the employer's responsibility to notify workers of all Hexavalent Chromium exposure level monitoring results. The Steel Erection incorporation by reference is a non-mandatory technical amendment that provides information regarding Federal Highway Administration regulations that may apply to employers engaged in activities covered by OSHA's steel erection standard. The incorporation by reference of the Crane and Derrick in Construction standard is new and is found in Subpart CC. Copy of the incorporated by reference material is available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007, or can be downloaded from the Federal OSHA web site www.osha.gov.

- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 16 A.A.R. 1848, September 17, 2010
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: William M. Wright, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: wright.william.m@dol.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
To be published in Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Not yet known.